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07                   UNITED STATES DISTRICT COURT  
08                   WESTERN DISTRICT OF WASHINGTON  
09                   AT SEATTLE

10 JOSEPH PHILLIPS,   ) CASE NO. C08-1541-JCC-MAT  
11   ) )  
12 Plaintiff,   ) )  
13 v.   ) )  
14 OFFICER JAMES T. NOONAN, et al.,                   ) ORDER DENYING PLAINTIFF'S  
15   ) SECOND REQUEST FOR  
16 Defendants.   ) APPOINTMENT OF COUNSEL  
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23         Plaintiff Joseph Phillips proceeds *pro se* and *in forma pauperis* in this 42 U.S.C. § 1983  
24 civil rights case. Plaintiff now submits his second request for appointment of counsel. (Dkt.  
25 30.) Defendants oppose this request. (Dkt. 31.) Having considered the documents filed in  
26 support of and in opposition to the pending motion, as well as the remainder of the record, the  
27 Court does hereby find and ORDER:

28         (1) There is no right to have counsel appointed in cases brought under § 1983.  
29 Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party  
30 proceeding *in forma pauperis*, plaintiff has again shown neither exceptional circumstances, nor

01 an inability to articulate his claims pro se that would warrant the appointment of counsel. *See*  
02 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). Accordingly, plaintiff's second  
03 motion for appointment of counsel (Dkt. 30) is DENIED.

04 (2) The Clerk is directed to send copies of this Order to plaintiff, to defendants, and  
05 to the Honorable John C. Coughenour.

06 DATED this 14th day of April, 2009.

07 s/ Mary Alice Theiler \_\_\_\_\_  
08 United States Magistrate Judge  
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